

REMARKS

Claims 1 and 5-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ollivier *et al.* (U.S. Patent No. 6,385,492, "Olliver"). Claims 3-4 were rejected under 35 U.S.C. § 103(a) as being rendered obvious in view of Osypka (US 4,550,737, "Osypka").

I. 35 U.S.C. § 102(b) Rejection

Claims 1 and 5-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ollivier. Claims 5, 6, and 7 have been cancelled. Applicants respectfully traverse the grounds for this rejection.

“[A] claim is anticipated if each and every limitation is found either expressly or inherently in a single prior art reference.” *Celeritas Techs., Ltd. v. Rockwell Int’l. Corp.*, 150 F.3d 1354, 1361, 47 U.S.P.Q.2d 1516, 1522 (Fed. Cir. 1998). The standard for lack of novelty, that is, for “anticipation,” is one of strict identity. *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1296, 63 U.S.P.Q.2d 1597, 1600 (Fed. Cir. 2002).

Claim 1 has been amended to include, among other things, that the relief taught in claim 1 has an overall helicoid contour and a thread of variable radius extending around the cylindrical body. Ollivier does not disclose or suggest a coronary probe head having either a helicoid contour or a thread extending around the cylindrical body with dimensions as required by claim 1 of the present invention. Instead, Ollivier shows, in Figs. 11-14, various specialized probe heads having specific structures as shown in the figures. None of the structures disclosed in Ollivier teach or suggest a probe having a relief with a helicoid contour and threading of variable radius as taught in amended claim 1. As stated above, without either an express or inherent disclosure of this claimed functionality Ollivier cannot be anticipating prior art under 35 U.S.C.

§ 102.

For these reasons, the Applicants respectfully ask that the Examiner withdraw his rejections of claim 1, as amended, and remaining dependent claims 8-12.

II. 35 U.S.C. § 103(a) Rejections

Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Osypka. Claim 3 has been cancelled. Applicants respectfully traverse the grounds for this rejection in view of the above amendments to the claims and the following remarks.

The recent Supreme Court decision in *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350 (April 30, 2007) has done away with the rigid "teaching, suggestion, or motivation test" traditionally relied on to establish a *Prima Facie* case of obviousness. Instead of this rigid test, the Court has offered a "common sense" approach to making determinations of obviousness, stating that an initial inquiry should be "whether the improvement is more than just a predictable use of the prior-art elements according to their established functions." *See KSR Int'l*, slip op. at p. 4. The Court also acknowledged that it is equally important to determine if there is an "apparent reason" to combine the references based on their "interrelated teachings." *Id.* Finally, the Court also impliedly recognized that the prior art references, when combined, still must disclose all of the elements of the invention at issue for obviousness to be found. *Id.* at pp. 4-5.

Indeed, during applicants' undersigned attorney's March 8, 2007 interview with the Examiner, Examiner had agreed that Osypka fails to disclose such a contour that is eccentric and centered on an offset second axis at the point where the variable radius is at a maximum, as taught in independent claim 1. Although Osypka discloses a probe head having helicoid threading, these threads are of a typical screw and thread design in that the threads are centered

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on the cylindrical body of the probe and not offset and having an eccentric contour as the threading called for in amended claim 1 of the present invention. Thus, Osypka fails to teach or suggest each and every element of pending dependent claims 3 and 4, which depend directly from claim 1.

For the foregoing reasons, Applicants believe dependent claims 3 and 4 are now in condition for allowance.

CONCLUSION

Reconsideration of this application in view of the foregoing remarks respectfully is requested.

The Examiner is invited to call applicants' undersigned attorney if doing so would expedite prosecution.

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